

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-2-06

WHEREAS, **6425 CORP.** applied to Community Zoning Appeals Board 10 for the following:

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building setback 10' (15' required) from the interior side (west) property line.
- (3) Applicant is requesting to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 6' high wall and ornamental fence along the side street (east) property line up to the edge of a driveway.
- (4) Applicant is requesting to waive the zoning regulations requiring Coral Way to be 100' in width; to permit a 35' dedication (50' required) for the north half of S.W. 24th Street.
- (5) Applicant is requesting to waive the dissimilar land use buffer along a portion of the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and approval of requests #2 through #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan for Mr. Danny Masso," as prepared by Nestor J. Cifuentes, and consisting of 4 sheets: Sheet "A-2" dated stamped received 5/2/05 and the balance of the sheets dated stamped received 3/14/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 14, less the south 10' for road and the east 30' of Lot 15, less the south 10' for road, TAMIAMI ACRES PLAN 2, Plat book 5, Page 74.

LOCATION: 6425 S.W. 24 Street (Coral Way), Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having

been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to RU-5A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit an office building setback 10' from the interior side (west) property line (Item #2), to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 6' high wall and ornamental fence along the side street (east) property line up to the edge of a driveway (Item #3), to waive the zoning regulations requiring Coral Way to be 100' in width; to permit a 35' dedication for the north half of S.W. 24th Street (Item #4), and to waive the dissimilar land use buffer along a portion of the interior side (west) property line (Item #5) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and said application was denied by Resolution No. CZAB10-76-05, and

WHEREAS, 6425 CORP. appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building setback 10' (15' required) from the interior side (west) property line.
- (3) Applicant is requesting to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 6' high wall and ornamental fence along the side street (east) property line up to the edge of a driveway.
- (4) Applicant is requesting to waive the zoning regulations requiring Coral Way to be 100' in width; to permit a 35' dedication (50' required) for the north half of S.W. 24th Street.

- (5) Applicant is requesting to waive the dissimilar land use buffer along a portion of the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and approval of requests #2 through #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan for Mr. Danny Masso," as prepared by Nestor J. Cifuentes, and consisting of 4 sheets: Sheet "A-2" dated stamped received 5/2/05 and the balance of the sheets dated stamped received 3/14/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 14, less the south 10' for road and the east 30' of Lot 15, less the south 10' for road, TAMIAMI ACRES PLAN 2, Plat book 5, Page 74.

LOCATION: 6425 S.W. 24 Street (Coral Way), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that district boundary change to RU-5A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit an office building setback 10' from the interior side (west) property line (Item #2), to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 6' high wall and ornamental fence along the side street (east) property line up to the edge of a driveway (Item #3), to waive the zoning regulations requiring Coral Way to be 100' in width; to permit a 35' dedication for the north half of S.W. 24th Street (Item #4), and to waive the dissimilar land use buffer along a

portion of the interior side (west) property line (Item #5) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 10 in Resolution No.CZAB10-76-05 were insufficient to merit a reversal of the decision and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and

WHEREAS, a motion to deny Items #1 through #5 with prejudice and to deny the appeal with prejudice and to sustain the decision of Community Zoning Appeals Board 10 was offered by Commissioner Rebecca Sosa, seconded by Commissioner Carlos A. Gimenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorin D. Rolle	aye
Audrey M. Edmonson	aye	Natacha Seijas	aye
Carlos A. Gimenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested district boundary change to RU-5A (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED, that the requests to permit an office building setback 10' from the interior side (west) property line (Item #2), to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 6' high wall and ornamental fence along the side street (east) property line up to the edge of a driveway (Item #3), to

waive the zoning regulations requiring Coral Way to be 100' in width; to permit a 35' dedication for the north half of S.W. 24th Street (Item #4), and to waive the dissimilar land use buffer along a portion of the interior side (west) property line (Item #5) be and the same are hereby denied with prejudice.

BE IT FURTHER RESOLVED, that the appeal be and the same is hereby denied with prejudice and the decision of Community Zoning Appeals Board 10 is sustained.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-76-05 remains in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 26th day of January, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-10-CZ10-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By  **KAY SULLIVAN**
Deputy Clerk

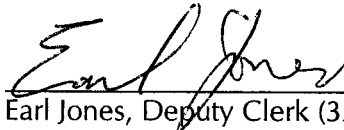
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1ST DAY OF FEBRUARY, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

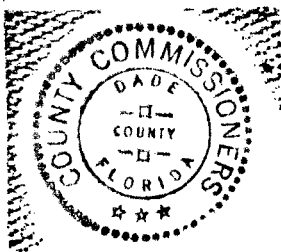
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-2-06 adopted by said Board of County Commissioners at its meeting held on the 26th day of January, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 1st day of February, 2006.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

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Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
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Homeless Trust
Housing Agency
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Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

February 1, 2006

6425 Corp.
c/o Felix Lasarte
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-10-CZ10-1
Location: 6425 S.W. 24 Street (Coral Way),
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-2-06, adopted by the Board of County Commissioners, which denied your application with prejudice, denied your appeal with prejudice and sustained the decision of Community Zoning Appeals Board 10.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **February 1, 2006**.

Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure